

Levelling-up and Regeneration Bill

AMENDMENTS TO BE MOVED ON REPORT

[Supplementary to the Fourth Marshalled List]

Clause 87

BARONESS SCOTT OF BYBROOK

Clause 87, page 95, line 9, after “policies,” insert “taken together,”

Member's explanatory statement

This amendment clarifies that inserted subsection (5B) in section 38 of the Planning and Compulsory Purchase Act 2004 requires a determination under the planning Acts to be made in accordance with the development plan and any national development management policies, taken together.

Clause 89

BARONESS SCOTT OF BYBROOK

Clause 89, page 96, line 34, at end insert –

- “(9A) The spatial development strategy must take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to an area in Greater London, including in particular –
- (a) the areas identified in the strategy as areas which –
 - (i) are, or could become, of particular importance for biodiversity, or
 - (ii) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
 - (b) the priorities set out in the strategy for recovering or enhancing biodiversity, and
 - (c) the proposals set out in the strategy as to potential measures relating to those priorities.”

Member's explanatory statement

This amendment requires the spatial development strategy under Part 8 of the Greater London Authority Act 1999 to take account of local nature recovery strategies that relate to Greater London.

Schedule 7

BARONESS SCOTT OF BYBROOK

Schedule 7, page 335, line 33, at end insert –

- “(8A) A joint spatial development strategy must take account of any local nature recovery strategy that relates to any part of the joint strategy area, including in particular –
- (a) the areas identified in the strategy as areas which –
 - (i) are, or could become, of particular importance for biodiversity, or
 - (ii) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
 - (b) the priorities set out in the strategy for recovering or enhancing biodiversity, and
 - (c) the proposals set out in the strategy as to potential measures relating to those priorities.”

Member's explanatory statement

This amendment requires a joint spatial development strategy to take account of any local nature recovery strategy that relates to any part of the joint strategy area concerned.

LORD BEST

Schedule 7, page 347, line 17, at end insert –

- “(3A) The local plan must identify the local nature and scale of housing need in the local planning authority’s area and must make provision for sufficient social rent housing, to eliminate homelessness within a reasonable period as stipulated in the updated local plan, and to provide housing for persons registered on the local housing authority’s allocation scheme within the meaning of section 166A of the Housing Act 1996.
- (3B) Subsection (3A) applies in relation to social housing provided both by the local housing authority where it retains its own housing stock and by private registered providers of social housing.
- (3C) The information concerning the level of housing need recorded on the local plan must be updated at least annually.”

BARONESS SCOTT OF BYBROOK

Schedule 7, page 347, line 38, at end insert –

- “(6A) The local plan must take account of any local nature recovery strategy that relates to all or part of the local planning authority’s area, including in particular –
 - (a) the areas identified in the strategy as areas which –
 - (i) are, or could become, of particular importance for biodiversity, or

- (ii) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
- (b) the priorities set out in the strategy for recovering or enhancing biodiversity, and
- (c) the proposals set out in the strategy as to potential measures relating to those priorities.”

Member's explanatory statement

This amendment requires a local plan to take account of any local nature recovery strategy that relates to any part of the area of the authority preparing the plan.

BARONESS SCOTT OF BYBROOK

Schedule 7, page 350, line 20, at end insert –

- “(5A) The minerals and waste plan must take account of any local nature recovery strategy that relates to all or part of the relevant area, including in particular –
- (a) the areas identified in the strategy as areas which –
 - (i) are, or could become, of particular importance for biodiversity, or
 - (ii) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
 - (b) the priorities set out in the strategy for recovering or enhancing biodiversity, and
 - (c) the proposals set out in the strategy as to potential measures relating to those priorities.”

Member's explanatory statement

This amendment requires a minerals and waste plan to take account of any local nature recovery strategy that relates to any part of the relevant area.

BARONESS SCOTT OF BYBROOK

Schedule 7, page 352, line 33, at end insert “, and

- (b) take account of any local nature recovery strategy which relates to all or part of the area to which the plan relates or to an area in which a site to which the plan relates is located, including in particular –
 - (i) the areas identified in the strategy as areas which –
 - (A) are, or could become, of particular importance for biodiversity, or
 - (B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,

- (ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and
- (iii) the proposals set out in the strategy as to potential measures relating to those priorities.”

Member's explanatory statement

This amendment requires a supplementary plan to take account, so far as appropriate, of any local nature recovery strategy that relates to the area to which the plan relates or an area in which a site to which the plan relates is situated.

BARONESS SCOTT OF BYBROOK

Schedule 7, page 364, line 22, after “authority” insert “, combined county authority”

Member's explanatory statement

This amendment is consequential on the amendment in the Minister’s name amending new section 15HD of the Planning and Compulsory Purchase Act 2004 (as inserted by Schedule 7 to the Bill).

BARONESS SCOTT OF BYBROOK

Schedule 7, page 364, line 24, after “authority” insert “, combined county authority”

Member's explanatory statement

This amendment amends new section 15HD of the Planning and Compulsory Purchase Act 2004 (as inserted by Schedule 7 to the Bill) so that it also covers combined county authorities, which are provided for under Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 7, page 380, line 16, at end insert –

““local nature recovery strategy” means a local nature recovery strategy under section 104 of the Environment Act 2021;”

Member's explanatory statement

This amendment defines “local nature recovery strategy” for the purposes of the amendments in the Minister’s name to Schedule 7 at page 335, line 33; page 347, line 38; page 350, line 20; and page 352, line 33.

Clause 92

BARONESS SCOTT OF BYBROOK

Clause 92, page 98, line 35, at end insert “, and

- (b) take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area, including in particular –

- (i) the areas identified in the strategy as areas which—
 - (A) are, or could become, of particular importance for biodiversity, or
 - (B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
- (ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and
- (iii) the proposals set out in the strategy as to potential measures relating to those priorities.”

Member's explanatory statement

This amendment requires neighbourhood development plans to take account, so far as appropriate, of any local nature recovery strategy that relates to all or part of the neighbourhood area to which the plan relates.

Schedule 8

BARONESS SCOTT OF BYBROOK

Schedule 8, page 389, line 39, at end insert—

- “8A In paragraph 7ZA (inserted by paragraph 156 of Schedule 4), in paragraph (b) of the definition of “constituent planning authority”, for “29” substitute “15J”.
- 8B For paragraph 7ZB (inserted by paragraph 156 of Schedule 4) substitute—
 - “7ZB (1) This paragraph applies if the Secretary of State thinks that a constituent planning authority are failing to do anything it is necessary or expedient for them to do in connection with the preparation, adoption or revision of a local plan.
 - (2) If the local plan has not come into effect, the Secretary of State may invite the combined county authority to take over preparation of the local plan from the constituent planning authority, in which case the combined county authority may do so.
 - (3) If the local plan has come into effect, the Secretary of State may invite the combined county authority to revise the local plan, in which case the combined county authority may do so.”
- 8C In paragraph 7ZC (inserted by paragraph 156 of Schedule 4)—
 - (a) in sub-paragraph (1), for “development plan document” substitute “local plan”;
 - (b) after that sub-paragraph insert—
 - “(1A) If the combined county authority are to prepare the local plan, the combined county authority must publish a document setting out—
 - (a) their timetable for preparing the plan, and

- (b) if they intend to depart from anything specified in a local plan timetable in relation to the plan, details of how they intend to depart from it.”;
 - (c) for sub-paragraph (4) substitute –
 - “(4) The combined county authority may then –
 - (a) where the combined county authority have prepared a local plan, approve the local plan subject to specified modifications or direct the constituent planning authority to consider adopting the local plan by resolution of the authority, or
 - (b) where the combined county authority are to revise a local plan, make the revision or make the revision subject to specified modifications.”
- 8D In paragraph 7ZD (inserted by paragraph 156 of Schedule 4) –
- (a) for sub-paragraph (1) substitute –
 - “(1) Subsections (4) to (12) of section 15D, and section 15DA, apply to an examination held under paragraph 7ZC(2) –
 - (a) reading references to the local planning authority as references to the combined county authority, and
 - (b) in the case of an independent examination of a proposed revision, reading references to a local plan as references to the revision.”;
 - (b) in sub-paragraph (3)(a), omit “or omitted”;
 - (c) in sub-paragraph (4) –
 - (i) for “joint local development document or a joint development plan document” substitute “joint local plan”;
 - (ii) for “the document” substitute “the plan”.”

Member's explanatory statement

This amendment to Schedule 8 to the Bill makes amendments to Schedule A1 to the Planning and Compulsory Purchase Act 2004 in connection with provision for development plans under Part 3 of the Bill. The amendments amend and supplement consequential amendments to Schedule A1 to the 2004 Act made by Schedule 4 to the Bill relating to the creation of combined county authorities.

BARONESS SCOTT OF BYBROOK

Schedule 8, page 391, line 34, after “6(4)(a)” insert “, 7ZC(4)(a)”

Member's explanatory statement

This amendment to Schedule 8 to the Bill makes amendments to Schedule A1 to the Planning and Compulsory Purchase Act 2004 in connection with provision for development plans (under Part 3 of the Bill) to reflect amendments made to Schedule A1 by Schedule 4 to the Bill in relation to the creation of combined county authorities.

BARONESS SCOTT OF BYBROOK

Schedule 8, page 391, line 35, after “6(4)(b)” insert “, 7ZC(4)(b)”

Member's explanatory statement

This amendment to Schedule 8 to the Bill makes amendments to Schedule A1 to the Planning and Compulsory Purchase Act 2004 in connection with provision for development plans (under Part 3 of the Bill) to reflect amendments made to Schedule A1 by Schedule 4 to the Bill in relation to the creation of combined county authorities.

Clause 99

LORD PARKINSON OF WHITLEY BAY

Clause 99, page 109, line 1, at end insert –

- “(A1) The Listed Buildings Act is amended as follows.
- (A2) In section 3 (temporary listing in England: building preservation notices), after subsection (1) insert –
- “(1A) Before serving a building preservation notice under this section, the local planning authority must consult with the Commission.
- (1B) Subsection (1A) does not apply where the Commission proposes to serve a building preservation notice under this section (see subsection (8)).”

Member's explanatory statement

This amendment inserts a new duty into the Planning (Listed Buildings and Conservation Areas) Act 1990 for local planning authorities to consult the Historic Buildings and Monuments Commission for England (“Historic England”) before serving a building preservation notice under that Act. The duty does not apply in cases where Historic England is carrying out the functions of a local planning authority.

LORD PARKINSON OF WHITLEY BAY

Clause 99, page 109, line 2, leave out “of the Listed Buildings Act”

Member's explanatory statement

This amendment is consequential on the amendment made to line 1 of Clause 99 in the Minister’s name.

After Clause 128

BARONESS SCOTT OF BYBROOK

After Clause 128, insert the following new Clause –

“Biodiversity net gain: pre-development biodiversity value and habitat enhancement

In Schedule 7A to the TCPA 1990 (biodiversity gain in England) –

- (a) in paragraph 5(4), after “6” insert “, 6A, 6B”;
- (b) after paragraph 6 insert –

“6A If –

- (a) a person carries on activities on land on or after 25 August 2023 in accordance with a planning permission (other than the planning permission referred to in paragraph 5(1)),
- (b) on the relevant date, development for which that other planning permission was granted –
 - (i) has not been begun, or
 - (ii) has been begun but has not been completed, and
- (c) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been,

the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.

- 6B (1) This paragraph applies where there is insufficient evidence of the biodiversity value of an onsite habitat immediately before the carrying on of the activities referred to in paragraph 6 or 6A.
- (2) The biodiversity value of the onsite habitat immediately before the carrying on of the activities referred to in paragraph 6 or 6A is to be taken to be the highest biodiversity value of the onsite habitat which is reasonably supported by any available evidence relating to the onsite habitat.”;

(c) in paragraph 10 –

- (i) in sub-paragraph (1), after “habitat enhancement” insert “of an offsite habitat”;
- (ii) after sub-paragraph (1) insert –

“(1A) For the purposes of sub-paragraph (1) (and without prejudice to paragraphs 3 and 4(1)), a habitat enhancement is calculated as the amount by which the projected value of the offsite habitat as at the end of the maintenance period referred to in section 100(2)(b) of the Environment Act 2021 exceeds its pre-enhancement biodiversity value.

- (1B) The pre-enhancement biodiversity value of an offsite habitat is the biodiversity value of the offsite habitat on the relevant date.
- (1C) The relevant date is—
 - (a) the date on which the application is made to register the land subject to the habitat enhancement in the biodiversity gain site register, or
 - (b) such other date as may be specified in the conservation covenant or planning obligation.
- (1D) But if—
 - (a) a person carries on activities on an offsite habitat on or after 25 August 2023 otherwise than in accordance with—
 - (i) planning permission, or
 - (ii) any other permission of a kind specified by the Secretary of State by regulations, and
 - (b) as a result of the activities the biodiversity value of the offsite habitat is lower on the relevant date than it would otherwise have been, the pre-enhancement biodiversity value of the offsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.”;
 - (d) in paragraph 12(1), after the definition of “onsite habitat” insert—
 - ““offsite habitat” means habitat which is not onsite habitat;”

Member's explanatory statement

This amendment inserts a new Clause in the Minister’s name which makes provision about the valuation of the pre-development biodiversity value of an onsite habitat and of the enhancement of the biodiversity of a habitat for the purposes of Schedule 7A to the Town and Country Planning Act 1990.

Clause 222

BARONESS SCOTT OF BYBROOK

Clause 222, page 264, line 11, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment and the amendments to Clause 222 (page 264: lines 14, 18 and 31) in the Minister’s name make provision for the Scottish Ministers to charge fees in connection with certain functions as the appropriate licensing authority under the Marine and Coastal Access Act 2009.

BARONESS SCOTT OF BYBROOK

Clause 222, page 264, line 14, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment and the amendments to Clause 222 (page 264: lines 11, 18 and 31) in the Minister's name make provision for the Scottish Ministers to charge fees in connection with certain functions as the appropriate licensing authority under the Marine and Coastal Access Act 2009.

BARONESS SCOTT OF BYBROOK

Clause 222, page 264, line 18, leave out “Where the Secretary of State is the licensing authority” and insert “Where the licensing authority is the Secretary of State or the Scottish Ministers”

Member's explanatory statement

This amendment and the amendments to Clause 222 (page 264: lines 11, 14 and 31) in the Minister's name make provision for the Scottish Ministers to charge fees in connection with certain functions as the appropriate licensing authority under the Marine and Coastal Access Act 2009.

BARONESS SCOTT OF BYBROOK

Clause 222, page 264, line 31, leave out “where the Secretary of State is the licensing authority” and insert “where the licensing authority is the Secretary of State or the Scottish Ministers”

Member's explanatory statement

This amendment and the amendments to Clause 222 (page 264: lines 11, 14 and 18) in the Minister's name make provision for the Scottish Ministers to charge fees in connection with certain functions as the appropriate licensing authority under the Marine and Coastal Access Act 2009.

BARONESS SCOTT OF BYBROOK

Clause 222, page 264, line 40, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

Clause 222, page 265, line 2, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

Clause 222, page 265, line 5, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

Clause 222, page 265, line 8, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

Clause 222, page 265, line 10, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

Clause 222, page 265, line 12, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

Clause 222, page 265, line 14, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

BARONESS SCOTT OF BYBROOK

Clause 222, page 265, line 16, after “State” insert “, the Scottish Ministers”

Member's explanatory statement

This amendment is consequential on the amendments made to Clause 222 (page 264: lines 11, 14, 18 and 31) in the Minister's name.

After Clause 226

LORD PARKINSON OF WHITLEY BAY

After Clause 226, insert the following new Clause –

“Blue plaques in England

In paragraph 4 of Schedule 2 to the Local Government Act 1985 (Listed Buildings, Conservation Areas and Ancient Monuments), for “Greater London” substitute “any area in England”.

Member's explanatory statement

This amendment would have the effect of extending the express statutory power of the Historic Buildings and Monuments Commission for England to provide and erect blue plaques in Greater London to the whole of England.

LORD MOYLAN

After Clause 226, insert the following new Clause –

“Road user charging schemes in London

- (1) Schedule 23 to GLAA 1999 (road user charging) is amended as follows.
- (2) After paragraph 1(3) insert –
 - “(3A) Any reference in this Schedule to national obligations is a reference to obligations imposed by or under any enactment on a Minister of the Crown.”
- (3) After paragraph 3 insert –

“Proposals relating to certain TfL schemes: opt out

 - 3A (1) This paragraph applies where Transport for London proposes to –
 - (a) make a TfL scheme the purpose, or one of the purposes, of which is the improvement of air quality, or
 - (b) significantly vary a TfL scheme where the purpose, or one of the purposes, of the variation is the improvement of air quality.
 - (2) Transport for London must publish a draft order containing the proposed TfL scheme or the proposed variations to the TfL scheme.
 - (3) The draft order must be in such form as the Authority may determine.
 - (4) Transport for London may not make the order and submit it to the Authority in accordance with paragraph 4(1) otherwise than in accordance with sub-paragraph (8).
 - (5) A relevant London borough council may, within the opt-out period, give notice that it wants to opt out of the scheme (an “opt-out notice”).
 - (6) An opt-out notice must be given to –
 - (a) Transport for London, and

- (b) the Secretary of State.
- (7) A London borough council is “relevant” if –
- (a) any of the council’s area falls within the charging area of the proposed TfL scheme or of the TfL scheme after the proposed variations have been made, and
 - (b) the principal purpose of the scheme applying in the council’s area is the improvement of air quality.
- (8) After the opt-out period has ended –
- (a) if sub-paragraph (9) applies, Transport for London may make the order and submit it to the Authority in accordance with paragraph 4(1);
 - (b) if sub-paragraph (10) applies, Transport for London may make the order and submit it to the Authority in accordance with paragraph 4(1) only if Transport for London first modifies the order so that the proposed TfL scheme, or the TfL scheme after the proposed variations have been made, will not apply to the area of each eligible council which has given, and not withdrawn, an opt-out notice.
- (9) This sub-paragraph applies if –
- (a) no opt-out notice has been given within the opt-out period or any opt-out notices that have been given within that period have been withdrawn, or
 - (b) one or more opt-out notices have been given within the opt-out period and have not been withdrawn, but each of them was given by a London borough council that was an ineligible council when the notice was given and in each case either –
 - (i) the council did not submit an alternative plan, within the opt-out period, to the Secretary of State under paragraph 3B, or
 - (ii) the council did so submit an alternative plan and the plan has been rejected under that paragraph.
- (10) This sub-paragraph applies if –
- (a) one or more opt-out notices have been given and have not been withdrawn,
 - (b) in the case of any opt-out notice that was given by a London borough council that was an ineligible council when the notice was given –
 - (i) the council did not submit an alternative plan, within the opt-out period, to the Secretary of State under paragraph 3B, or
 - (ii) the council did so submit an alternative plan and it has been either approved or rejected under that paragraph, and
 - (c) one or more of the opt-out notices that have been given, and not withdrawn, was given by a London borough council that is an

eligible council (whether or not that council was an eligible council at the time the opt-out notice was given).

- (11) A relevant London borough council is an “eligible council” if it has complied with any duty imposed on it under or by virtue of Part 4 of the Environment Act 1995 and—
- (a) no part of the council’s area is designated, or is required to be designated, as an air quality management area under section 83 of the Environment Act 1995 (designation of air quality management areas), or
 - (b) if any part of the council’s area is so designated, or required to be so designated, the council has an alternative plan that has been approved by the Secretary of State under paragraph 3B.
- (12) In this paragraph and paragraph 3B—
- “alternative plan” means a plan for improving air quality in the area of the London borough council which does not involve the TfL scheme applying to any of the area of the London borough council;
- “eligible council” has the meaning given by sub-paragraph (11) and “ineligible council” is to be read accordingly;
- “opt-out notice” has the meaning given by sub-paragraph (5);
- “opt-out period” means the period of 10 weeks beginning with the day on which the draft order containing the proposed TfL scheme, or the proposed variations to the TfL scheme, is published in accordance with sub-paragraph (2);
- “relevant London borough council” has the meaning given by sub-paragraph (7).
- 3B (1) This paragraph applies where paragraph 3A applies and a relevant London borough council—
- (a) gives an opt-out notice, within the opt-out period, in relation to the TfL scheme and does not withdraw it, and
 - (b) submits an alternative plan to the Secretary of State within that period.
- (2) The London borough council must—
- (a) notify Transport for London that the council has submitted the alternative plan, and
 - (b) provide Transport for London with a copy of it.
- (3) The Secretary of State must, before the end of the review period, by notice to the London borough council and Transport for London—
- (a) approve the alternative plan, or
 - (b) reject the alternative plan.
- (4) Subject to sub-paragraph (5), the Secretary of State must approve the alternative plan if the Secretary of State is satisfied that it is likely to achieve and maintain improvements in relation to air quality standards and objectives, in every part of the London borough council’s area that

is designated, or is required to be designated, as mentioned in paragraph 3A(11)(a), that are similar to those that the proposed TfL scheme, or the TfL scheme after the proposed variations have been made, is likely to achieve if it applies to the area of the council.

- (5) The Secretary of State is not required to approve the alternative plan if the Secretary of State considers that the plan is inconsistent, or could be inconsistent, with national policies or obligations relating to air quality.
- (6) At any time during the review period before the Secretary of State approves or rejects the alternative plan under sub-paragraph (3), the Secretary of State may invite the London borough council to modify the plan for the purposes of securing that—
 - (a) the Secretary of State can be satisfied as mentioned in sub-paragraph (4), or
 - (b) the plan is consistent with national policies or obligations relating to air quality,and if the council modifies the plan, sub-paragraphs (3) to (5) apply in relation to the plan as modified.
- (7) The review period is the period of 16 weeks beginning with the day after the day on which the opt-out period ends.
- (8) The Secretary of State may on one or more occasions extend the review period.
- (9) The Secretary of State must give notice of any extension under sub-paragraph (8) to—
 - (a) each London borough council that has—
 - (i) given an opt-out notice, within the opt-out period, in relation to the TfL scheme and not withdrawn it, and
 - (ii) submitted an alternative plan to the Secretary of State within that period, and
 - (b) Transport for London.
- (10) Where a London borough council's alternative plan has been approved under this paragraph, the Mayor may issue a direction to the council requiring it to take such steps as may be specified in the direction for the purpose of securing that the alternative plan is implemented.
- (11) The power to give a direction under sub-paragraph (10) may only be exercised by the Mayor after consultation with the London borough council concerned.
- (12) Where the Mayor issues a direction to a London borough council under sub-paragraph (10), the council must comply with the direction.
- (13) In sub-paragraph (4) the reference to air quality standards and objectives is to air quality standards and objectives within the meaning of Part 4 of the Environment Act 1995.”

- (4) After paragraph 4(2) insert –
- “(2A) Where an order has been modified in accordance with paragraph 3A(8)(b) before being made and submitted by Transport for London under this paragraph, the Authority must –
- (a) require Transport for London to publish its proposals for the TfL scheme, or the proposed variations to the TfL scheme, and to consider objections to the proposals, and
 - (b) consult or require Transport for London to consult –
 - (i) any London borough council any of whose area falls within the charging area of the proposed TfL scheme or of the TfL scheme after the proposed variations have been made,
 - (ii) the Secretary of State, and
 - (iii) such other persons as the Authority considers appropriate.
- (2B) In a case not falling within sub-paragraph (2A), the Authority may –
- (a) consult, or require an authority making a charging scheme to consult, other persons;
 - (b) require such an authority to publish its proposals for the scheme and to consider objections to the proposals.”

(5) In paragraph 4(3) –

 - (a) in the opening words, for “The” substitute “In any case, the”;
 - (b) omit paragraphs (a) and (aa).

(6) After paragraph 4 insert –

“Secretary of State’s intervention power in relation to certain schemes

4A (1) This paragraph applies where –

 - (a) the Secretary of State has been consulted under paragraph 4(2A)(b)(ii) about an order containing a proposal for a TfL scheme or proposed variations to a TfL scheme, and
 - (b) the Authority has –
 - (i) made any modifications to the order under paragraph 4(3)(d) that it considers appropriate, or
 - (ii) decided not to make any such modifications.

(2) The Authority may not confirm the order under paragraph 4(1) unless –

 - (a) the Authority has published the order, and
 - (b) the condition in sub-paragraph (3) has been met.

(3) The condition in this sub-paragraph is met if –

 - (a) the period of 60 days beginning with the day on which the order is published (the “confirmation period”) expires without the Secretary of State giving the Authority a direction in relation to the order under sub-paragraph (4), or

- (b) before the end of the confirmation period the Secretary of State gives the Authority a direction in relation to the order under sub-paragraph (4) and the Authority has modified the order in accordance with the direction.
- (4) Where the Secretary of State considers that as a result of the order being modified in accordance with paragraph 3A(8)(b) –
- (a) the proposed TfL scheme contained in the order would or could be inconsistent with national policies or obligations relating to air quality, or
 - (b) the TfL scheme after the proposed variations contained in the order have been made would or could be inconsistent with such policies or obligations,
- the Secretary of State may, within the confirmation period, direct the Authority to make modifications to the order so as to prevent the inconsistency by expanding the charging area of the proposed TfL scheme contained in the order, or the TfL scheme after the proposed variations contained in the order have been made, to include any of the area of a London borough council to which the scheme would not otherwise apply by virtue of the modification in accordance with paragraph 3A(8)(b).”
- (7) In paragraph 34B(1), after “functions” insert “, or the Secretary of State’s functions,”.
- (8) In paragraph 38 –
- (a) after “sub-paragraphs” insert “(2A), (2B),”;
 - (b) at the end insert “, but does not apply to a variation to a TfL scheme made as a result of a modification to an order under paragraph 4A(3)(b) ”.

Member's explanatory statement

This new Clause makes provision amending Schedule 23 to the Greater London Authority Act 1999 to enable London borough councils which are meeting air quality standards and objectives under the Environment Act 1995, or have an approved plan to do so, to opt out from certain road user charging schemes proposed by Transport for London. It gives the Secretary of State a power to intervene in certain circumstances. It also makes consequential changes to Schedule 23 to that Act.

Clause 233

LORD PARKINSON OF WHITLEY BAY

Clause 233, page 274, line 28, after “226” insert “and (*Blue plaques in England*)”

Member's explanatory statement

*This amendment provides that new Clause (*Blue plaques in England*), as tabled by the Minister, extends to England and Wales.*

LORD MOYLAN

Clause 233, page 274, line 30, after “222” insert “and (Road user charging schemes in London)”

Member's explanatory statement

This amendment provides that new Clause (Road user charging schemes in London), tabled after Clause 226 in Lord Moylan’s name, extends to England and Wales, Scotland and Northern Ireland.

Clause 234

BARONESS SCOTT OF BYBROOK

Clause 234, page 275, line 40, after “127” insert “and (Biodiversity net gain: pre-development biodiversity value and habitat enhancement)”

Member's explanatory statement

This amendment provides that the new Clause (Biodiversity net gain: pre-development biodiversity value and habitat enhancement) being inserted after Clause 128 in the Minister’s name comes into force at the end of the period of two months beginning with the day on which the Act is passed.

LORD MOYLAN

Clause 234, page 276, line 11, after “225” insert “and (Road user charging schemes in London)”

Member's explanatory statement

This amendment provides that new Clause (Road user charging schemes in London), tabled after Clause 226 in Lord Moylan’s name, comes into force on a day appointed by the Secretary of State in regulations.

LORD PARKINSON OF WHITLEY BAY

Clause 234, page 276, line 13, after “226” insert “and (Blue plaques in England)”

Member's explanatory statement

This amendment provides that new Clause (Blue plaques in England), as tabled by the Minister, comes into force 2 months after Royal Assent.

Title

LORD MOYLAN

In the Title, line 13, after “land;” insert “about road user charging schemes in London;”

Member's explanatory statement

This amendment amends the long title to reflect the new Clause (Road user charging schemes in London) tabled after Clause 226 in Lord Moylan’s name.

Levelling-up and Regeneration Bill

AMENDMENTS
TO BE MOVED
ON REPORT

[Supplementary to the Fourth Marshalled List]

25 August 2023

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